REMARKS

Claims 2-9 are presently pending in this application. Claims 2-4 and 7-9 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,453,371 to Hampson et al. (hereinafter "Hampson"). Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hampson in view of U.S. Patent No. 6,041,075 to Caushik (hereinafter "Caushik").

With respect to the claims as amended herein, applicants submit that the cited art does not, singly or in combination, teach the elements of the pending claims, and accordingly request reconsideration and withdrawal of the rejections and allowance of all pending claims.

Rejection of Independent Claims 2-4 under § 102

Claims 2-4 stand rejected under § 102 as anticipated by Hampson. The Examiner contends that the cited art discloses the individual elements of the claims prior to the current amendment. Applicants note that the cited art does not disclose exposing a Bluetooth (and more generally, an RFCOMM) connection to an application *as a modem*. Furthermore, Applicants note that the cited art does not disclose determining whether or not an RFCOMM (or BLUETOOTH) device is a dial-up networking device. Applicants acknowledge that Hampson discloses detection and automatic selection of communications ports for data exchange in a portable computer, and that those communications ports include physical connection ports and wireless ports. Applicants further acknowledge that Hampson discloses wireless ports including infrared ports and radio frequency ports, and that the radio frequency ports can be used for Bluetooth communications.

Claims 2 and 3

Claims 2 and 3 as amended each contain a limitation regarding use of a transport driver or transport layer interface for communicating between an application and an RFCOMM device. The Examiner, in rejecting claims 2 and 3, has apparently equated the terms "interface to a transport layer" and "transport driver interface" as used by Applicants, with the term "port" as used in Hampson. Applicants respectfully disagree with this equation. Applicants describe a

"transport layer" within the Open Systems Interconnection (OSI) seven-layer model (although adherence to this exact model is certainly not required by the claims). (Specification, Figure 2 and accompanying text). The transport layer sits between the session layer and the network layer, and it "acts as a final error correcting layer to ensure the data is delivered accurately, in the proper sequence, and with no loss or duplication." The important point is that the transport layer is removed from the physical layer, which "carries the signals which are sent to the network connection 114" and is generally "implemented in the hardware connecting the computer 20 to the network connection 114". (*Id.*, p.9, lns. 6-9).

In contrast, the "ports" disclosed in Hampson are physical ports. Hampson's FIG. 1 shows two such ports, a connection port 110A and a wireless port 110B, which are physical elements of the illustrated computer. This fact is evidenced throughout Hampson. For example:

"Some of the connection ports 100A include multipin connectors."
Hampson, col. 5, lns. 4-5

"In some embodiments, the single interaction can include placing the connection port 110A in physical contact with the physical accessory 180, for example by dropping the PalmIIIx into a communications cradle."
Id., col. 6, lns. 38-41

"The portable computer 100 can also include at least one connection port 110A having a pin connector for coupling to a mating pin connector of the communication (docking port) cradle, modem or other physical accessory 180.
Id., col. 7, lns. 4-8

"For example, the connection port 110A can include a ten pin male connector..."
Id., col. 7, lns. 12-17

From these and other examples throughout Hampson, it is clear that "port" as used by Hampson is a physical element. These "ports" would fall in the physical layer, and not in the transport layer. In fact, Hampson does not disclose the use of a transport layer, and certainly does not disclose the use of an interface to a transport layer to facilitate communication between an application and an RFCOMM device.

Additionally, claims 2 and 3 as amended each contain a limitation of determining whether or not a RFCOMM device is a dial-up networking device. Applicants respectfully note that the cited art does not contain such a limitation. Applicants acknowledge that Hampson discloses determining whether or not a signal is from a *physical* device (see, e.g., *Id.*, col. 3, lns. 50-52). Applicants further acknowledge that Hampson discloses physical devices which are dial-up networking devices, such as modems. However, Hampson does not disclose determining whether or not a signal is specifically from a dial-up networking device. Moreover, Hampson certainly does not disclose determining whether or not *an RFCOMM* device is a dial-up networking device; instead, Hampson at most discloses determining whether or not a *signal* comes from an RFCOMM device, but says nothing as to whether or not that RFCOMM device is a dial-up networking device.

Claim 4

Applicants note that a device connected to the portable computer in Hampson is either physically connected via a connection port, or it is wirelessly connected via a wireless port. (*See, e.g.,* Hampson, col. 4, ln. 57 – col. 5, ln 44). Although the type of connection (physical or wireless) is largely hidden from the end user, the computer still distinguishes between physical and wireless devices, and determines whether the connection signal is from a physical accessory, such as a modem or a docking cradle. (*Id.*, col. 3, lns. 47-49; col. 4, lns. 11-12). Hampson further states, "The physical accessory 180 is connected to the external external [sic] data source 190 and the connection port 110A." (*Id.*, col. 4, lns. 60-62). In other words, Hampson discloses physical devices, such as modems, as being physically connected to a portable computer. Hampson does not disclose, however, using modem protocols—or using any protocol that is typically used for physically connected devices—for communicating *wirelessly* to a device. In fact, the presence of separate "connection ports" (i.e., for physical devices) and "wireless ports," and the distinguishing between them suggests that one type of port is not used to "mimic" the other.

In contrast, Applicants' describe "providing an interface to a Bluetooth compliant device which can emulate a modem such that computer software programs can communicate through the Bluetooth compliant device *in the same manner in which they would communicate through a*

standard modem to access a dial-up, wide area network." (Specification, p. 3, lns. 9-12, emphasis added). In particular, Applicants' claim 4 contains a limitation of an interface to a remote BLUETOOTH device appearing to an application as a standard modem interface. Applicants respectfully submit that Hampson does not disclose such a limitation; in Hampson, wireless devices appear as wireless devices, communicating over a wireless port, while physical devices appear as physical devices, communicating over a (physical) connection port. The software applications in Hampson (e.g., the Hotsync data exchange application) distinguish between the various connection types, and even include a "direct connection picker 318" with which a user chooses a connection type. (*See* Hampson, FIGs. 3-5 and accompanying text). Thus, in Hampson, it is the application itself that detects the type of connection and performs the necessary operations for enabling data exchange:

> "The *program is adapted* to respond to the request signal for data exchange by exchanging data with at least one of the data sources, and identify a preferred port for exchanging data. The program can be the 'HotSync' application 134."
> *Id.,* col. 13, lns. 41-44, emphasis added.

Hampson simply does not disclose a Bluetooth device (or any other non-modem device) *appearing to* an application as a modem interface; devices in Hampson appear to applications as themselves.

Additionally, claim 4 contains a limitation of determining whether a remote BLUETOOTH device is a dial-up network device. For the reasons described above with reference to claims 2-3, Hampson similarly does not disclose such a limitation.

For the reasons discussed above, the cited art does not contain at least one element of claims 2-4. Applicants therefore respectfully request the withdrawal of the rejections and the subsequent allowance of claims 2-4.

Rejection of Dependent Claims 7-9 under § 102

As claims 7-9 are dependent on claim 4, they each incorporate all the limitations of the base claim. Therefore, each of claims 7-9 similarly contains the elements of an interface to a remote BLUETOOTH device appearing to an application as a standard modem interface, and of

8

determining whether a remote BLUETOOTH device is a dial-up network device, which elements are lacking in the cited art as discussed above. Applicants therefore respectfully request the allowance of claims 7-9.

Rejection of Dependent Claims 5-6 under § 103

Claims 5-6 stand rejected under § 103 as obvious under Hampson in view Caushik. Neither Hampson or Caushik, however, teach or suggest—individually or in combination—the elements of an interface to a remote BLUETOOTH device appearing to an application as a standard modem interface, or of determining whether a remote BLUETOOTH device is a dial-up network device. Applicants therefore respectfully request the allowance of claims 5-6.

CONCLUSION

The application is now considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a further telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

Phillip M. Pippenger, Reg. No. 46,055
One of the Attorneys for Applicants
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: August 13, 2004